FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1748 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. Vijay Kantharia with Mr.A.B. Salunkhe i/by M/s.S.Ashwinikumar & Co. for the Petitioners.

Mr. Vinod Shetty for the Respondent No.2.

Mr.S.S.Pednekar, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 3/4/2006.

P.C.

1. This is a petition impugning an order issuing process against the present petitioner and two others for offence under Section 48(1) of the M.R.T.P. & P.U.L.P. Act, 1971. The order which is said to have been disobeyed is an order dated 4.5.2001. It direct the respondents in Complaint (ULP) No.741/2000 to pay the earned wages of the employees from Feb.2000 till 12.5.2000. There is further direction to pay the other legal dues

inclusive of provident fund deductions made from the wages of the employees. It is not disputed before me that the payments have not been made as directed. In fact, the petition has been filed without annexing the order dated 4.5.2001. What is sought to be contended that the default was not wilful. This cannot be a ground for quashing order issuing process. Reliance was placed upon the judgment of this court in the case of Rashtriya Chemical Fertilizers Ltd. and ors. Vs. Ramesh Kamble and another reported in 2003 I C.L.R 313. The facts of the said case were different and the complaint in that case was for non payment of costs awarded by the court. The facts of the present case are different. In the present matter, there was specific order of payment of wages of which admittedly there is breach. In the circumstances, I am not inclined to entertain the petition. Hence, petition is rejected.

(R. S. MOHITE, J.)